

REMARKS

On October 4, 2006, an interview was held between examiner Felton and the applicant's undersigned attorney. During the interview, the applicant pointed out that the examiner, in the September 11, 2006 Office Action did not respond to arguments presented by applicant in its June 22, 2006 Response to the March 23, 2006 Office Action. Specifically, in the March 23, 2006 Office Action, the examiner had rejected the pending claims in view of the mypoints.com and Auctionanything.com websites. In Applicant's June 22, 2006 Response to the March 23, 2006 Office Action, the Applicant pointed out that the teachings relied on by the examiner from mypoints.com and auctionanything.com websites are not prior art. Nonetheless, the Examiner imposed the same rejection in the September 11, 2006 Office Action. Thus, as set forth below, Applicant's position in respect to the September 11, 2006 Office Action is the same as it expressed previously in the June 22, 2006 Response to the March 23, 2006 Office Action.

In the September 11, 2006 Office Action, the claims were "rejected under 35 U.S.C. § 103(a) as being unpatentable over MyPoints.com (www.MyPoints.com) in view of Auction-Anything (www.auctionanything.com).” The examiner stated “AuctionAny[thing].com discloses a method of conducting a customer affinity program auction and teaches all the limitations of the current application except for the exchange rate for reward points and the purchase of reward points on a floating basis. MyPoints.com has these features on its website (see www.MyPoints.com website).” In view of those teachings from the current mypoints.com and auctionanything.com websites, the examiner stated the claims were unpatentable because they would have been obvious.

Conspicuously absent from the Office Action is a statement that the teachings of the current mypoints.com and auctionanything.com websites are prior art to the claims presented in the application. Attached to the March 23, 2006 Office Action are pages from “the Wayback Machine” (<http://web.archive.org>). Presumably these pages from the Wayback Machine are attached to show that the current teachings of the mypoints.com and auctionanything.com websites are prior art. However, the Wayback Machine in fact shows just the opposite -- i.e. that the current teachings of the mypoints.com and auctionanything.com websites are not prior art to the claims presented in the application.

More specifically, the website pages archived on the Wayback Machine that may qualify as prior art (e.g. the December 6, 1998 page of the auctionanything.com website and the January 28, 1998 page of the mypoints.com website) are: (1) different from the current website pages relied on by the examiner; and (2) do not contain the teachings relied on by the examiner in the Office Action to make the rejection. Thus, the teachings of the current pages from the mypoints.com and auctionanything.com websites are not prior art to the claims of the application. Because no prior art has been presented that would render the claims of the application unpatentable, the applicant respectfully requests withdrawal of the rejection and allowance of all of the claims pending in the application.

CONCLUSION

Based on the foregoing remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of all of the claims pending in this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 3951-4001. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 3951-4001. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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Dated: February 15, 2007

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